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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/661,070	02/26/91	HUSTON	J CRP-008

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EXAMINER

ULM, J

ART UNIT	PAPER NUMBER
1812	13

DATE MAILED: 06/10/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 3/23/92 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 27 to 38 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☒ Claims 1 to 26 & 39 to 46 have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 27 to 38 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

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Claims 27 to 38 are pending in the instant application with claims 1 to 26 and 39 to 46 having been canceled as requested.

Claims 27 to 38 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Cousens et.al. patent in view of the Cohen et.al. patent for reasons of record.

The declaration filed on 23 March of 1992 under 37 C.F.R. § 1.131 has been considered but is ineffective to overcome the Cousens et.al. reference. 37 C.F.R. § 1.131 requires that such a declaration be made by the inventor(s) of the subject matter of the rejected claim. Either David C. Rueger is the sole inventor of pending claims 27 to 38, in which case the inventorship of the instant application must be amended in compliance with 37 C.F.R. 1.48(b), or David C. Rueger is not the sole inventor of claims 27 to 38 and the declaration is, therefore, defective as filed.

The oath or declaration is defective. A new oath or declaration in compliance with 37 C.F.R. § 1.67(a) identifying this application by its Serial Number and filing date is required. See M.P.E.P. §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the U.S. application for patent on which priority is claimed under 35 U.S.C. 120 by specifying the application number, country, day, month and year of its filing.

Applicant's arguments filed 23 March of 1992 have been fully considered but they are not deemed to be persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the

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extension of time policy as set forth in 37 C.F.R. § 1.136(a).
The practice of automatically extending the shortened statutory
period an additional month upon the filing of a timely first
response to a final rejection has been discontinued by the
5 Office. See 1021 TMOG 35.

10 A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL
ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS
ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS
OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION
IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED
STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE
ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE
PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE
MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE
15 STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM
THE DATE OF THIS FINAL ACTION.

20 The Group and/or Art Unit location of your application in
the PTO has changed. To aid in correlating any papers for this
application, all further correspondence regarding this
application should be directed to Group Art Unit 1812.

Any inquiry concerning this communication should be directed
to John D. Ulm at telephone number (703) 308-4008.


DAVID L. EXCEY
SUPERVISORY PATENT EXAMINER
GROUP 180
